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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,379	02/19/2004	Roger Warren	486.0047USU	3589

7590 02/06/2007
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EXAMINER

HALE, GLORIA M

ART UNIT	PAPER NUMBER
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3765

MAIL DATE	DELIVERY MODE
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02/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/782,379	WARREN ET AL.	
	Examiner	Art Unit	
	Gloria Hale	3765	

All participants (applicant, applicant's representative, PTO personnel):

(1) Gloria Hale. (3) _____

(2) Erica Dorsey, Applicant's Attorney. (4) _____

Date of Interview: 05 December 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: 1-24 and new proposed claims 25-30.

Identification of prior art discussed: US3070870 Alexander et al.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



GLORIA M. HALE
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: It is noted that pages 2 and 3 of the Proposed Draft Claims state an application SN of 10/620,397 which is not correct. Applicant's representative proposed the cancellation of claims 1-18 and 20-24. Applicant did not propose any amendments to claim 19. However, the examiner indicated that in claim 19, line 5 the term "Seamless" must be inserted before "transparent" to provide the proper antecedent basis for the "seamless transparent layer" in the last line. The rejections to claim 19 must be addressed in the next response. New claim 25 contains new issues in regard to the "adhesive layer". The original specification describes the adhesive as being a layer which is indefinite since it is not clear if it is a "fabric layer" with an adhesive thereon or a layer of a liquid adhesive that is later heated to form the laminate bra cup. The support layer should be described as being formed of a nylon/spandex mix fabric that is less flexible etc. It is also not clear as to what provides the support in the specific areas, the support layer, the adhesive or both. There must be support in the original specification to support the claim language. Applicant's original figures do not show a fabric adhesive layer. The adhesive is not clearly shown in the original figures. The new claims are extremely broad and have new issues. It is not clear as to what the "pattern" of claim 26, line 3 encompasses. Is it the "cut out pattern shape of the adhesive layer" or a pattern of application of an adhesive such as applying a liquid adhesive. It is not clear as to how the adhesive provides support or as to where in the original specification it has been disclosed. The original specification does not clearly define what is now being claimed in view of claims 25-30. Claim 28, line 2 is also not clear in regard to the adhesive tape as discussed above. The specification must clearly disclose what is being claimed. Applicant should supply remarks stating where in the original specification the claim language is supported. The new claims do not recite over the prior art references. It is not clear as to what the "pattern" encompasses in claim 29. The previous action was correctly made final since applicant amended the claims and included new matter. The majority of the claims were amended and include the "profile" language which encompassed new matter and a final action was justified. Therefore, the final action stands. Applicant's representative must amend the last amended claims to clearly define the invention over the prior art without adding new matter. Applicant's representative must avoid writing extremely broad new claims that are not of the same breadth as the last amended claims. Nor should new issues be introduced. A copy of the proposed amendment draft is attached..

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CLERK
PRIMARY EXAMINER

VIA FACSIMILE
571-273-4984

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Warren et al.
Serial No.: 10/782,379
For: FUSION UNDERGARMENT
Filed: February 19, 2004
Examiner: Hale, Gloria M.
Art Unit: 3765
Confirmation No.: 3589
Customer No.: 27,623

Attorney Docket No.: 486.0047USU

*Draft
for Interview*

PROPOSED CLAIM AMENDMENT

Dear Examiner Hale:

We appreciate the opportunity for the telephone interview of December 5, 2006 to discuss the above-referenced application.

Pursuant to our discussion, we hereby provide the proposed claims, as follows:

Claims 1 through 18 canceled

19. (Previously presented) A brassiere comprising:

Serial No.: ~~10/18 2,379~~*Draft
for Interview*

Art Unit: 3761

a support layer, said support layer being shaped so that when the brassiere is worn, said support layer only extends under and along a lower and side breast profile of a wearer's breasts;

a transparent layer that substantially overlies said support layer; and

an intermediate layer for adhering or fusing an outer surface of said transparent layer and an inner surface of said support layer,

wherein said support layer or said intermediate layer is visible through said seamless transparent layer.

Claims 20 through 24 canceled

25. (New) A brassiere comprising:

two breast supporting cup portions each having a transparent layer that is a material selected from the group consisting of chiffon, georgette, voile, illusion, organza, and tulle, said material is elastic and nylon/spandex mix, a support layer that is less flexible than said transparent layer, said support layer is a nylon/spandex mix, and an adhesive layer that is a thermoadhesive having elastic properties, said adhesive layer is selectively applied to said support layer forming an adhesive-support layer to provide support in specific areas of the brassiere, and said adhesive-support layer is adhered to said transparent layer.

26. (New) A brassiere comprising two breast cup portions each having a transparent inner layer, a transparent outer layer, and an adhesive layer fusing said transparent inner and outer layers to one another, said adhesive layer defining a pattern that can be seen through said transparent inner and outer layers.

27. (New) The brassiere as in claim 26, where in said pattern of said adhesive layer provides support in selected regions of said two breast cup portions.

Serial No.: ~~10/782,379~~*10/782,379*
Draft for Interview

Art Unit: 3761

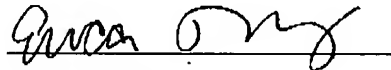
28. (New) A brassiere comprising two breast cup portions each having a transparent inner layer, an outer layer, and an adhesive layer fusing said transparent inner layer and said outer layer to one another, said adhesive layer being transparent.

29. (New) The brassiere as in claim 28, where said outer layer comprises a pattern that can be seen through said adhesive layer and said inner transparent layer.

30. (New) The brassiere as in claim 28, wherein said outer layer is transparent.

I look forward to speaking with you regarding the application today, December 5th at 2pm. Again, our telephone number is 203-327-4500.

December 5, 2006



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